UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
3736	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/797,282	KIRCHHOFF ET AL.
		Examiner	Art Unit
		Michael C Astorino	3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/10/2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-75* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-75* is/are rejected. .

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8/2004*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-10, 13-15, 17-27, 29-40, 62, and 75 are rejected under 35 U.S.C. 102(b) as

being anticipated by Abrams et al. US Patent Number 5,673,691 A.

Claim 1. A method for forming a meal plan based on a weight control program for a participant,

said method comprising:

receiving an initial personal profile indicative of characteristics of the participant; *(figs.

28-31)*

establishing a daily food consumption goal for the participant based on the initial

personal profile; *(figs. 31, 34-36, 38, 50)*

forming an alterable meal plan schedule based on at least one component of the initial

personal profile, the alterable meal plan schedule being consistent with the daily food

consumption goal and utilizing pre-established food combinations having predetermined values

associated therewith; *(figs. 17-26, 57-65)*

providing the alterable meal plan schedule to the participant; *(figs. 17-26, 57-65)* and

generating a journal operable to maintain data in response to the participant

acknowledging consumption of at least a portion of the pre-established food combinations.

(figures 17-66)

In regards to claims 14, 29, 41, and 62 are rejected on substantially the same basis as

claim 1.

In regards to claims 2-10, 15, 17-18, 20-27, 30-37, 42-46, 63-69, and 72, see *(figs. 17-26,*

28-31,34-36, 38, 50, 57-65).

In regards to claims 13, 40, and 75. The Abrams discloses generating a shopping list

based on the alterable meal plan schedule. *(figures 59-65)*

In regards to claim 19, where the health status includes at least one of diabetes and

depression. (see Abrams, claim 21, "21. A dietary computer as in claim 11, 12, 13, 14, 15, 16 or 17 wherein

one of said behavior or dietary goals is to control diabetes and said memory retains information regarding the

ingredients in food affecting diabetes.")

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-12, 14-15, 17-18, 20-32, 35-39, 41-48, 62-7 are rejected under 35 U.S.C. 102(e)

as being anticipated by Mault et al. US Patent Number 6,513,532 B2 which incorporates by

reference 6,478,736 B1, see column 19, lines 1-36, unless otherwise stated the italicized portions

cited below are directed to the Mault '736.

Claim 1. A method for forming a meal plan based on a weight control program for a participant,

said method comprising:

receiving an initial personal profile indicative of characteristics of the participant; *(fig. 6)*

establishing a daily food consumption goal for the participant based on the initial

personal profile; *(fig. 8B and 8C)*

forming an alterable meal plan schedule based on at least one component of the initial

personal profile, the alterable meal plan schedule being consistent with the daily food

consumption goal and utilizing pre-established food combinations having predetermined values

associated therewith; *(figure 9 and 8C)*

providing the alterable meal plan schedule to the participant *(figure 9 and 8C)*; and

generating a journal operable to maintain data in response to the participant

acknowledging consumption of at least a portion of the pre-established food combinations

(figures 7-12, Note to the applicant: the food combinations in Mault are directed to the food

picked from the food database in figure 9).

Claim 2. The method according to claim 1, further comprising: providing access to the journal to

the participant; and receiving alterations to the data being maintained by the journal *(Figures 7-*

12).

Claim 3. The method according to claim 1, further comprising: receiving a modification to the alterable meal plan schedule; and applying the modification to the alterable meal plan schedule *(at least in one respect, anytime the food is added to the log, figure 9, a modification is received and applied. Additionally it is likely that in the program a substitution function is available to swap for healthier foods, food that are more accessible to the user, etc.)*.

Claim 4. The method according to claim 1, further comprising: receiving an activity performed by the participant having an activity value associated therewith; and associating the activity to the alterable meal plan schedule. *(fig. 11A, 11B, 12B, and 12C)*

Claim 5. The method according to claim 4, further comprising automatically altering the meal plan schedule based on the activity value. *(fig. 11A, 11B, 12B, and 12C)*

Claim 6. The method according to claim 4, further comprising: totaling the predetermined values associated with the pre-established food combinations; applying the activity value to the total of the predetermined food values to form a net total value; and providing the net total value to the participant. *(fig. 8B)*

Claim 7. The method according to claim 1, further comprising: receiving an updated characteristic associated with the participant; and automatically altering the meal plan schedule based on the updated characteristic. *(fig. 11A, 11B, 12B, and 12C)*

Claim 8. The method according to claim 7, wherein the updated characteristic includes the current weight of the participant. *(fig. 12C)*

Claim 9. The method according to claim 1, further comprising: computing a total food value based on the predetermined values associated with the pre-established food combinations; receiving an activity performed by the participant; determining an activity value based on the received activity; computing a net total value based on the total food value and activity value; and computing a difference value between the net total value and the daily food consumption goal. *(fig. 8B, 11A, 11B, 12B, and 12C)*

Claim 10. The method according to claim 9, further comprising: crediting the participant with the difference value for utilization of adjusting the daily food consumption goal of a future day. *(fig. 8B, 11A, 11B, 12B, and 12C)*

Claim 11. The method according to claim 1, wherein said receiving and providing are performed over a network. *(figure 15, column 10, lines 22-67, and column 11, lines 1-67, and column 12, lines 1-24)*

Claim 12. The method according to claim 11, wherein the network is the Internet. *(figure 15, column 10, lines 22-67, and column 11, lines 1-67, and column 12, lines 1-24)*

Claim 14. A method for facilitating control of body weight, said method comprising: receiving a

profile from a user, the profile including initial body weight; determining an initial time-based

plan as a function of the profile received from the user to facilitate control of body weight;

selectably providing to the user the time-based plan for facilitating control of body weight; and

modifying the initial time-based plan, in response to user input, to accommodate a user type of

the user. *(figures 6-12)*

Claim 15. The method according to claim 14, wherein the user type is at least one of a structured

and a non-structured user type. *(figures 6-12; see also, Mault et al '532 column 15, lines 21-30)*

Claim 17. The method according to claim 14, further comprising receiving at least one

characteristic associated with the user. *(fig 7B)*

Claim 18. The method according to claim 17, wherein the characteristics include at least one of

the following: health status, gender, height, age, health restrictions, religion, ethnicity, and blood

type. *(fig 7B)*

Claim 20. The method according to claim 17, wherein the characteristics include demographics.

(fig 7B, "demographics" at least include age and gender)

Claim 21. The method according to claim 14, wherein the modified initial time-based plan is a

function of heterogeneous data associated with the user. *(fig, 11A, "B'Fast, Lunch Dinner,*

Snacks, routine, activity)

Claim 22. The method according to claim 21, wherein the heterogeneous data includes user input and predetermined parameters associated with the time-based plan. *(fig, 11A, "B'Fast, Lunch Dinner, Snacks, routine, activity)*

Claim 23. The method according to claim 21, wherein the user input includes at least one user-defined meal. *(fig, 11A, "B'Fast, Lunch Dinner, Snacks, routine, activity)*

Claim 24. The method according to claim 14, wherein said selectably providing includes displaying the time-based plan for the user to view. *(figure 8B)*

Claim 25. The method according to claim 24, wherein the time-based plan is displayed in a calendar related format. *(displays are weekly and daily displays, figs. 11A and 11B)*

Claim 26. The method according to claim 24, wherein the method is performed on a computing device *(52 computing device)*.

Claim 27. The method according to claim 26, wherein the computing device is a hand-held computing device. *(column 6, lines 1-30)*

Claim 28. The method according to claim 14, wherein the profile is received over a network. *(fig. 15)*

Claim 29. A method for forming a meal plan based on a weight control program for a participant, said method comprising: receiving an initial personal profile indicative of characteristics of the participant; establishing a daily food consumption goal for the participant based on the initial personal profile; forming an alterable meal plan schedule based on at least one component of the initial personal profile, the alterable meal plan schedule being consistent with the daily food consumption goal and utilizing foods having values associated therewith; providing the alterable meal plan schedule to the participant; receiving a modification to the alterable meal plan schedule; and applying the modification to the alterable meal plan schedule. *(fig 6-12)*

Claim 30. The method according to claim 29 wherein the alterable meal plan schedule is formed utilizing pre-established food combinations having predetermined values associated therewith. *(at least in one respect, anytime the food is added to the log, figure 9, a modification is received and applied. Additionally it is likely that in the program a substitution function is available to swap for healthier foods, food that are more accessible to the user, etc.).*

Claim 31. The method according to claim 29, further comprising: receiving an activity performed by the participant having an activity value associated therewith; and associating the activity to the alterable meal plan schedule. *(Fig 8.)*

Claim 32. The method according to claim 31, further comprising: totaling the values associated with the foods; applying the activity value to the total of the food values to form a net total value;

and providing the net total value to the participant. *(Fig 8., via calorie balance)*

Claim 33. The method according to claim 31, further comprising: automatically altering the meal

plan schedule based on the activity value. *(Fig 8., via calorie balance)*

Claim 34. The method according to claim 29, further comprising: receiving an updated

characteristic associated with the participant; and automatically altering the meal plan schedule

based on the updated characteristic. *(Figure 6, Revise Goals, 7B, 8B, 11A, 11B, 12C, column 7,*

lines 55-58)

Claim 35. The method according to claim 34, wherein the updated characteristic includes the

current weight of the participant. *(Fig. 7b)*

Claim 36. The method according to claim 29, further comprising: computing a total food value

based on the values associated with the foods; receiving an activity performed by the participant;

determining an activity value based on the received activity; computing a net total value based

on the total food value and activity value; and computing a difference value between the net total

value and the daily food consumption goal. *(fig. 8B)*

Claim 37. The method according to claim 36, further comprising: crediting the participant with

the difference value for utilization of adjusting the daily food consumption goal of a future day.

(fig. 8B)

Claim 38. The method according to claim 29, wherein said receiving and providing are performed over a network. *(figure 15, column 10, lines 22-67, and column 11, lines 1-67, and column 12, lines 1-24)*

Claim 39. The method according to claim 38, wherein the network is the Internet. *(figure 15, column 10, lines 22-67, and column 11, lines 1-67, and column 12, lines 1-24)*

Claim 41. A method for tracking consumption of foods associated with a meal plan based on a weight control program for a participant, said method comprising: receiving an initial personal profile indicative of characteristics of the participant; establishing a daily food consumption goal for the participant based on the initial personal profile; forming a meal plan schedule based on at least one component of the initial personal profile, the meal plan schedule being consistent with the daily food consumption goal and utilizing foods having values associated therewith; providing the meal plan schedule to the participant; and generating a journal operable to maintain data in response to the participant acknowledging consumption of at least a portion of foods associated with the meal plan schedule. *(fig. 7-12)*

Claim 42. The method according to claim 41, further comprising: providing access to the journal to the participant; and receiving alterations to the data being maintained by the journal. *(fig. 7-12)*

Claim 43. The method according to claim 41, further comprising: receiving an activity

performed by the participant having an activity value associated therewith; and associating the

activity to the meal plan schedule maintained in the journal. *(fig. 8B)*

Claim 44. The method according to claim 43, further comprising: totaling the values associated

with the foods; applying the activity value to the total of the food values to form a net total value;

and providing the net total value to the participant. *(fig. 8B)*

Claim 45. The method according to claim 41, further comprising: computing a total food value

based on the values associated with the foods; receiving an activity performed by the participant;

determining an activity value based on the received activity; computing a net total value based

on the total food value and activity value; and computing a difference value between the net total

value and the daily food consumption goal. *(fig. 8B)*

Claim 46. The method according to claim 45, further comprising: crediting the participant with

the difference value for utilization of adjusting the daily food consumption goal of a future day.

(fig. 8B)

Claim 47. The method according to claim 41, wherein said receiving and providing are

performed over a network. *(figure 15, column 10, lines 22-67, and column 11, lines 1-67, and

column 12, lines 1-24)*

Claim 48. The method according to claim 47, wherein the network is the Internet. *(figure 15,*

column 10, lines 22-67, and column 11, lines 1-67, and column 12, lines 1-24)

Claim 49. A method for forming a meal plan based on a weight control program for a participant,

said method comprising:

receiving an initial personal profile indicative of characteristics of the participant; *(fig. 6,*

and 7B)

establishing a daily food consumption goal for the participant based on the initial

personal profile; *(figure 8B, 8C, and 9)*

receiving an indication from the participant indicative of whether the participant prefers a

structured meal plan schedule or a non-structured meal plan schedule; *(see also, Mault et al '532*

column 15, lines 21-30 and figures 6-12)

forming, if the indication received from the participant indicates that the participant

prefers a structured meal plan, a meal plan schedule automatically based on at least one

component of the initial personal profile, the meal plan schedule being consistent with the daily

food consumption goal and utilizing foods having values associated therewith; *(see also, Mault*

et al '532 column 15, lines 21-30)

forming, if the indication received from the participant indicates that the participant

prefers a non-structured meal plan, a meal plan schedule based upon food selections received

from the participant, the meal plan schedule being consistent with the daily food consumption

goal and utilizing foods having values associated therewith; and providing the meal plan

schedule to the participant. *(figures 6-12)*

Claim 50. The method according to claim 49 wherein the meal plan schedule is alterable, and further comprising: receiving a modification to the alterable meal plan schedule; and applying the modification to the alterable meal plan schedule. *(at least in one respect, anytime the food is added to the log, figure 9, a modification is received and applied. Additionally it is likely that in the program a substitution function is available to swap for healthier foods, food that are more accessible to the user, etc.)*

Claim 51. The method according to claim 49 wherein the meal plan schedule is formed utilizing pre-established food combinations having predetermined values associated therewith. *(figures 7-12, Note to the applicant: the food combinations in Mault are directed to the food picked from the food database in figure 9, see also Mault et al '532 column 15, lines 21-30).*

Claim 52. The method according to claim 49, further comprising: receiving an updated characteristic associated with the participant; and automatically altering the meal plan schedule based on the updated characteristic. *(Fig. 8B.)*

Claim 53. The method according to claim 52, wherein the updated characteristic includes the current weight of the participant. *(Fig. 8B.)*

Claim 54. The method according to claim 49, wherein the foods utilized to form the meal plan schedule are selected from a predetermined set of foods. *(food database, fig. 9, see also Mault et*

al '532 column 15, lines 21-30)

Claim 55. The method according to claim 54, wherein the predetermined set of foods is composed of a pre-established set of foods and a user supplied set of foods. *(food database, fig. 9, see also Mault et al '532 column 15, lines 21-30)*

Claim 56. The method according to claim 55, wherein the pre-established set of foods include foods prepared by consumer restaurants. *(column 15, lines 1-20)*

Claim 57. The method according to claim 55, wherein the pre-established set of foods include branded foods. *(food database, fig. 9, via use of bar code device)*

Claim 58. The method according to claim 54, wherein at least some of the predetermined set of foods are meals. *(column 15, lines 1-20)*

Claim 59. The method according to claim 49, wherein said receiving and providing are performed over a network. *(figure 15, column 10, lines 22-67, and column 11, lines 1-67, and column 12, lines 1-24)*

Claim 60. The method according to claim 59, wherein the network is the Internet. *(figure 15, column 10, lines 22-67, and column 11, lines 1-67, and column 12, lines 1-24)*

Claim 62. A method for forming a meal plan based on a weight control program for a participant, said method comprising: receiving an initial personal profile indicative of characteristics of the participant; establishing a daily food consumption goal for the participant based on the initial personal profile; receiving an indication from the participant indicative of a meal plan type desired by the participant; forming a meal plan schedule based on at least one component of the initial personal profile and upon the indication received from the participant, the meal plan schedule being consistent with the daily food consumption goal and utilizing foods having values associated therewith; and providing the meal plan schedule to the participant. *(fig. 7-12)*

Claim 63. The method according to claim 62 wherein the meal plan type is selected from one of the following meal plan types: a regular meal plan, a higher-carbohydrate meal plan, a higher-protein meal plan and a vegetarian meal plan. *(fig 8C)*

Claim 64. The method according to claim 62 wherein the meal plan schedule is alterable, and further comprising: receiving a modification to the alterable meal plan schedule; and applying the modification to the alterable meal plan schedule. *(at least in one respect, anytime the food is added to the log, figure 9, a modification is received and applied. Additionally it is likely that in the program a substitution function is available to swap for healthier foods, food that are more accessible to the user, etc.)*

Claim 65. The method according to claim 62 wherein the meal plan schedule is formed utilizing pre-established food combinations having predetermined values associated therewith. *(figures 7-*

12, Note to the applicant: the food combinations in Mault are directed to the food picked from

the food database in figure 9).

Claim 66. The method according to claim 62, further comprising: receiving an updated

characteristic associated with the participant; and automatically altering the meal plan schedule

based on the updated characteristic. *(at least in one respect, anytime the food is added to the log,*

figure 9, a modification is received and applied. Additionally it is likely that in the program a

substitution function is available to swap for healthier foods, food that are more accessible to the

user, etc.)

Claim 67. The method according to claim 66, wherein the updated characteristic includes the

current weight of the participant. *(fig 6, particularly "revised goals", 7B, and column 7, lines 55-*

57)

Claim 68. The method according to claim 62, wherein the foods utilized to form the meal plan

schedule are selected from a predetermined set of foods. *(food database, fig. 9)*

Claim 69. The method according to claim 68, wherein the predetermined set of foods is

composed of a pre-established set of foods and a user supplied set of foods. *(food database, fig.*

9, column 8, lines 8-15)

Claim 70. The method according to claim 69, wherein the pre-established set of foods include

foods prepared by consumer restaurants. *(Mault et al. '532, column 15, lines 1-20)*

Claim 71. The method according to claim 69, wherein the pre-established set of foods include

branded foods. *(food database, fig. 9, via use of bar code device)*

Claim 72. The method according to claim 68, wherein at least some of the predetermined set of

foods are meals. *(fig, 11A, "B'Fast, Lunch, Dinner)*

Claim 73. The method according to claim 62, wherein said receiving and providing are

performed over a network. *(figure 15, column 10, lines 22-67, and column 11, lines 1-67, and*

column 12, lines 1-24)

Claim 74. The method according to claim 73, wherein the network is the Internet. *(figure 15,*

column 10, lines 22-67, and column 11, lines 1-67, and column 12, lines 1-24)

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mault et al. US

Patent Number 6,513,532 B2 which incorporates by reference 6,478,736 B1, see column 19,

lines 1-36, *unless otherwise stated the italicized portions cited below are directed to the Mault*

'736, as applied to claim 14 above, and further in view of Kolawa et al. US Patent Number

6,370,513 B1.

Mault does not disclose the uses of receiving cultural background of the user, but does

disclose a database of food a user may choose from to log into her food diary/journal/log.

However, Kolwa et al. disclose the use of a food preference vector for cultures of food (column

9, lines 23-31). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the diet and monitoring activity-monitoring device of Mault et al.

in view of the cultural food preference vector of Kolawa et al., since Kolawa et al. asserts in

column 1-2, lines 54-8, recommending food choices to prevent unimaginative, repetitive or fast-

food type default food choices.

7.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mault et al. US

Patent Number 6,513,532 B2 which incorporates by reference 6,478,736 B1, see column 19,

lines 1-36, *unless otherwise stated the italicized portions cited below are directed to the Mault*

'736, as applied to claim 14 above, and further in view of Abrams et al. US Patent Number

5,673,691 A.

In regards to claim 61, Mault et al. discloses the use of a bar code reader to scan in

information into the diet log database and entering data from consumer restaurants but does not

in a traditional sense generating a shopping list. However, Abrams a reference in an analogous

art discloses generating a shopping list based on the meal plan schedule, *(figure 57-65).* It would

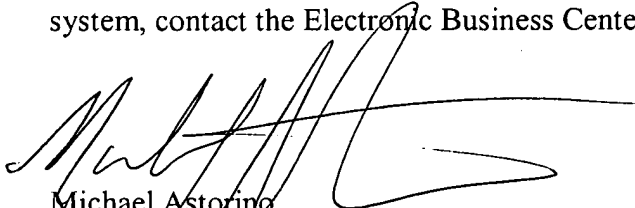have been obvious to one of ordinary skill in the art at the time of the invention to modify the

diet and activity monitoring device of Mault et al. in view of the shopping list function of

Abrams, since Mault et al. states the use of the diet and activity monitor seeks to balance the

user's busy lives with proper diet, and Abrams generated shopping list of proper nutrition

furthers that purpose.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael C Astorino whose telephone number is 571-272-4723.

The examiner can normally be reached on Monday-Friday, 8:30AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Astorino
March 21, 2005